IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06/10/2003

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THE HONOURABLE MR.JUSTICE P.D.DINAKARAN

W.P.No.5800 of 2003

P.Sampathkumar .. Petitioner

-Vs-

1. The State of Tamil Nadu
rep. by its Secretary to Government
Home (Cinemas) Department
Fort St. George
Chennai-9.

2. The District Collector
Namakkal District
Namakkal.

3. The Deputy Superintendent of Police
Tiruchengode
Namakkal District. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issue of a writ of Mandamus as stated therein.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.M.S.Palanisamy
Addl. Government Pleader

:ORDER

The petitioner seeks a writ of Mandamus to forbear the respondents from interfering with the petitioner's lawful business of exhibiting 1 6MM films in the places other than the "public places" and "streets", contending that the exhibition of 16MM films in places other than public places and streets is not prohibited in view of the amendment to Rule 119 of the Tamil Nadu Cinemas Regulations Rules, 1957 (for brevity "the Rules"), vide G.O.Ms.No.2172 dated 31.8.1979. The amended Rule 119 of the Rules reads as follows:
"Rule 119: While granting licenses for open air cinemas the licensing authority shall take into consideration the interest of permanent and

traveling cinemas in the neighbourhood. The licensing authority shall not permit exhibition of feature films in streets and public places. The licensing authority may however permit the exhibition of Government Documentary films, advertisement films and news reels in public places."

2. Emphasizing on the words "the licensing authority shall not permit exhibition of feature films in streets and public places", the learned counsel for the petitioner contends that no such permission is required for exhibiting the feature films in the private places.

3. I am unable to appreciate the contention of the learned counsel for the petitioner in view of Rules 116, 117 and 118 of the Rules, which deal with cinema exhibitions in educational or industrial establishments and in the open air, whether it is in private place or public place. Rules 116, 117 and 118 of the Rules read as follows:

"Rule 116: The rules in this part and rule 8 in Part I will apply to the cinematograph exhibitions in:

(a) educational institutions
(b) industrial and business establishments
(c) Open air cinemas

Rule 117: The electrical equipment shall be initially inspected by the Chief Electrical Inspector or an officer deputed by him who shall send a report to the licensing authority within a period not exceeding one month from the date of receipt of application. A fee of rupees five shall be paid into a Government treasury to the credit of the Government and the treasury receipt furnished to the Chief Electrical Inspector. But 35mm projector installations, which show feature films and admit the general public, shall be inspected once in every year and ther electrical certificates renewed.

Rule 118: The licensing authority may grant a free license in Form " F" within two weeks from the date of receipt of the report referred to in Rule 117."

4. If that be so, unless the petitioner gets an appropriate license from the licensing authority for exhibiting 16MM feature films, as contemplated under Rules 116, 117 and 118 of the Rules, the petitioner is not entitled to seek a blanket relief as prayed for, as the respondents are empowered to exercise the powers conferred under the Rules to regulate the exhibition of the films either in the public places or private places.

In the result, finding no merits, this writ petition is dismissed. No costs. Consequently, W.P.M.P.No.7454 of 2003 is also dismissed.

Index : Yes
Internet : Yes

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To:

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